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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,873	07/02/2001	Tsuyoshi Miyano	ALPSP015	2212

22434 7590 08/11/2005

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EXAMINER
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SINGH, SATWANT K

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/898,873

Applicant(s)

MIYANO, TSUYOSHI

Examiner

Satwant K. Singh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.  
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.  
4a) Of the above claim(s) 8-10 and 19-21 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-7 and 11-18 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 02 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to the amendment filed on 04 April 2005.

### ***Response to Arguments***

2. Applicant's arguments filed 04 April 2005 have been fully considered but they are not persuasive. Applicant remarks (page 5, 4<sup>th</sup> paragraph) states that Hayward (US 6,798,997) in view of Smith (US 6,785,015) fails to teach the specific configuration of the data transmitted. Hayward discloses the specific configuration of the data transmitted (peripheral condition) (Fig. 7, S32 and S36) (col. 8, lines 26-31).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-7 and 11-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Hayward et al. (US 6,798,997).
2. Regarding Claim 1, Hayward et al disclose a printer (machine or peripheral 10) comprising: a printing mechanism (marking device) (col. 3, line 42), the printing

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mechanism being arranged to utilize a consumable product during printing (consumable item or part) (col. 5, lines 6-8); a sensor (sensor 12) that generates a status signal indicative of a status of the printer (col. 5, lines 13-15); a network interface suitable for coupling the printer to a network (Computer 30 has an Internet browser installed and operating thereon) (col. 3, lines 44-47); and a controller operable to send an e-mail message to a maintenance computer (Fig. 2, manufacturer's server 40) through the network in response to the status signal (Fig. 4, S 36) (application launches an e-mail module to send the purchase order data to the manufacturer's server) (col. 8, lines 6-12), wherein the controller is operable to insert one of (i) consumable product data representing the remaining amount of the consumable product and (consumable has reached a predetermined threshold) (ii) printer error data representing the error status of the printer (consumable has been exhausted), into a data portion of the e-mail message (col. 8, lines 26-31).

3. Regarding Claim 2, Hayward et al disclose a printer, wherein the sensor is operable to generate the status signal based on a remaining amount of the consumable product (condition may be used to indicate when a consumable has been exhausted) (col. 8, lines 26-31).

4. Regarding Claim 3, Hayward et al disclose a printer, wherein the sensor is operable to generate the status signal based on whether the remaining amount of the consumable product is less than a threshold value (consumable has reached a predetermined threshold) (col. 8, lines 26-31).

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5. Regarding Claim 5, Hayward et al disclose a printer, wherein the consumable product is an ink ribbon, and the printing mechanism includes a thermal transfer mechanism (conditions in the machine 10 may indicate a need to replace a consumable item or part (e.g., paper, ink, toner, cartridge, printhead, drum)) (col. 5, lines 5-12). That the consumable product is an ink ribbon is inherently taught as evidenced by the reference above.

6. Regarding Claim 5, Hayward et al disclose a printer, wherein the consumable product is printing ink, and the printing mechanism includes an ink jet mechanism (conditions in the machine 10 may indicate a need to replace a consumable item or part (e.g., paper, ink, toner, cartridge, printhead, drum)) (col. 5, lines 5-12).

7. Regarding Claim 6, Hayward et al disclose a printer, wherein the consumable product is toner, and the printing mechanism includes an electrophotographic mechanism (conditions in the machine 10 may indicate a need to replace a consumable item or part (e.g., paper, ink, toner, cartridge, printhead, drum)) (col. 5, lines 5-12).

8. Regarding Claim 7, Hayward et al disclose a printer, wherein the sensor is operable to generate the status signal based on an error status of the printer (if there is a problem, it will indicate an error state) (col. 6, lines 1-2).

9. Claims 11 and 12 are rejected for the same reason as claim 1.

10. Claim 13 is rejected for the same reason as claim 2.

11. Claim 14 is rejected for the same reason as claim 3.

12. Claim 15 is rejected for the same reason as claim 4.

13. Claim 16 is rejected for the same reason as claim 5.

14. Claim 17 is rejected for the same reason as claim 6.
15. Claim 18 is rejected for the same reason as claim 7.

### ***Conclusion***

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satwant K. Singh whose telephone number is (571) 272-7468. The examiner can normally be reached on Monday thru Friday 8am - 4:30pm.

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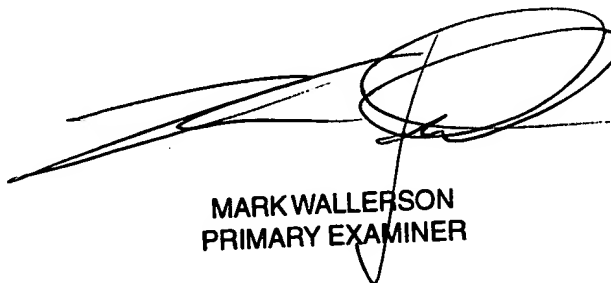
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



sks

Satwant K. Singh  
Examiner  
Art Unit 2626



MARK WALLERSON  
PRIMARY EXAMINER